

I, Ellen Phillips, being first duly sworn, depose and say:

1. I am currently and have been counsel of record for the State of Oklahoma for approximately two years in the administrative matter involving Jock Worley and Jock Worley Gravel (collectively "Worley") before the Oklahoma Department of Mines for a permit for surface mining of sand and gravel in an area of eighty-six (86) acres, more or less, in Sections 25, 26, 35 and 36, Township 17N, Range 25E, Adair County, State of Oklahoma, PAN 04-07-FH, Permit #L.E.-1759.

2. Worley was issued a permit (99-1352A) in 1995 to mine gravel by the Oklahoma Department of Mines ("ODM") and requested an expansion of the permitted area in 1998.

3. An informal conference before the ODM to review Worley's requested expansion of his permitted mining area began in 1999 and did not conclude until 2001. The Oklahoma Office of the Attorney General objected to the proposed expansion of Worley's mining operation, and as such, participated in the informal conference. It was not until 2004 that the Administrator of the Non-Coal Minerals Division of the ODM approved with modifications the proposed expansion.

4. In October 2004, the Attorney General requested a Hearing before ODM for Formal Review pursuant to OAC 460:3-1-5 and OAC 460:3-1-5 to present evidence that the Worley permit application (#L.E.1759) did not comply with Oklahoma laws, and to object to the September 14, 2004, approval of the application as it failed to adhere to ODM rules, state water quality standards and anti-degradation requirements.

5. This formal administrative review of Worley's permit and proposed expansion is still pending before the Oklahoma Department of Mines.

Further Affiant Sayeth Not.

I declare under penalty of perjury that the foregoing is true and correct. Executed the 19<sup>th</sup> day of October, 2007.



Ellen Phillips

